

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA

REBECCA HEIDER,	:	
	:	
Plaintiff	:	CIVIL ACTION NO. 3:20-1296
	:	
v.	:	(JUDGE MANNION)
	:	
KILOLO KIJAKAZI,	:	
Commissioner	:	
of Social Security,	:	
	:	
Defendant	:	

ORDER

Pending before the court is the report of Magistrate Judge Gerald B. Cohn, which recommends that the decision of the Commissioner of Social Security denying the plaintiff's claims for period of disability and disability insurance benefits under the Social Security Act be affirmed and the plaintiff's appeal be denied. (Doc. 18). The plaintiff has filed objections to the report (Doc. 19) to which the Commissioner has responded (Doc. 20). Upon review, the report of Judge Cohn will be adopted in its entirety.

When objections are timely filed to the report and recommendation of a magistrate judge, the district court must review *de novo* those portions of the report to which objections are made. 28 U.S.C. §636(b)(1); *Brown v. Astrue*, 649 F.3d 193, 195 (3d Cir. 2011). Although the standard is *de novo*,

the extent of review is committed to the sound discretion of the district judge, and the court may rely on the recommendations of the magistrate judge to the extent it deems proper. *Rieder v. Apfel*, 115 F.Supp.2d 496, 499 (M.D. Pa. 2000) (citing *United States v. Raddatz*, 447 U.S. 667, 676 (1980)).

For those sections of the report and recommendation to which no objection is made, the court should, as a matter of good practice, “satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” Fed.R.Civ.P. 72(b), advisory committee notes; see also *Univac Dental Co. v. Dentsply Intern., Inc.*, 702 F.Supp.2d 465, 469 (2010) (citing *Henderson v. Carlson*, 812 F.2d 874, 878 (3d Cir. 1987) (explaining judges should give some review to every Report and Recommendation)). Nevertheless, whether timely objections are made or not, the district court may accept, not accept or modify, in whole or in part, the findings or recommendations made by the magistrate judge. 28 U.S.C. §636(b)(1); Local Rule 72.31.

The plaintiff has raised two arguments in her objections to Judge Cohn’s report. First, the plaintiff argues that substantial evidence does not support the ALJ’s finding that plaintiff was capable of performing past relevant work as a housekeeper. (Doc. 19 at 1-3). Second, the plaintiff argues that multiple errors with symptom evaluation compel reversal of the

ALJ's decision. *Id.* at 3-4. Both of these arguments were raised in the plaintiff's brief in support of her appeal (Doc. 15 at 5-8 and 8-10, respectively) and were addressed thoroughly by Judge Cohn in his report (Doc. 18 at 7-8 and 8-10, respectively). The court has reviewed the evidence of record as a whole and finds no clear error of record with regard to Judge Cohn's findings on either of these issues. Moreover, the court agrees with the sound reasoning that led Judge Cohn to the conclusions in his report. As such, the court will adopt the report and recommendation of Judge Cohn as the decision of the court.

In light of the foregoing, **IT IS HEREBY ORDERED THAT:**

- (1) The plaintiff's objections to the report and recommendation of Judge Cohn (**Doc. 19**) are **OVERRULED**.
- (2) The report and recommendation of Judge Saporito (**Doc. 18**) is **ADOPTED IN ITS ENTIRETY** as the ruling of the court.

(3) The plaintiff's appeal (**Doc. 1**) is **DENIED**.

(4) The Clerk of Court is directed to **CLOSE THIS CASE**.

s/ Malachy E. Mannion
MALACHY E. MANNION
United States District Judge

Date: November 23, 2021

20-1296-01